



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Set Public Hearing for May 5, 2010 to Consider the Appeal of Brandt-Hawley Law Group on Behalf of Charles and Melissa Katzakian Regarding the Decision of the Planning Commission to Approve a Use Permit and SPARC Review for COSTCO Wholesale Development

**MEETING DATE:** May 5, 2010

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** Set public hearing for May 5, 2010 to consider the appeal of Brandt-Hawley Law Group on behalf of Charles and Melissa Katzakian regarding the decision of the Planning Commission to approve a Use Permit and SPARC review for COSTCO Wholesale Development.

**BACKGROUND INFORMATION:** Pursuant to Lodi Municipal Code Section 17.72.110 and 17.81.070, Charles and Melissa Katzakian filed an appeal regarding the decision of the Planning Commission on February 10, 2010, to approve a Use Permit and SPARC review of the proposed COSTCO Wholesale development. The appeal was filed in a timely manner and the appropriate fee was paid. The City Council may now set the matter for a public hearing to consider the appeal. It is recommended that the matter may be heard at the regularly scheduled meeting of May 5, 2010.

**FISCAL IMPACT:** Not Applicable

**FUNDING AVAILABLE:** Not Applicable

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Konradt Bartlam  
Community Development Director

KB

**Attachments:**

1. Planning Commission Resolution PC 10-06
2. Staff Report from the February 10, 2010, Planning Commission meeting
3. Draft minutes for the February 10, 2010, Planning Commission meeting
4. Appeal letter

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**APPROVED:**

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Blair King, City Manager

**RESOLUTION NO. P.C. 10-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI FOR THE APPROVAL OF THE REQUEST OF DAVID BABCOCK, ON BEHALF OF COSTCO WHOLESALE FOR A USE PERMIT TO ALLOW FOR AN OFF-SALE BEER, WINE AND DISTILLED SPIRITS ALCOHOLIC BEVERAGE CONTROL LICENSE AND SPARC REVIEW OF THE PROPOSED COSTCO WHOLESALE WAREHOUSE LOCATED 322 EAST HARNEY LANE**

**WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit and Site Plan and Architectural Review in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

**WHEREAS**, an application was filed by David Babcock, on behalf of COSTCO Wholesale, 3581 Mount Diablo Blvd., Suite 235, Lafayette, CA 94549; and

**WHEREAS**, the project site is located at 322 East Harney Lane, more particularly described as Assessor's Parcel Numbers 058-130-09 and 058-130-10 and portion of 058-130-11; and

**WHEREAS**, the project site is zoned Planned Development 39; and

**WHEREAS**, the Project is consistent with all elements of the General Plan, and in particular, the following General Plan Goals and Policies:

- A. Land Use and Growth Management Element, Goal E, "To provide adequate land and support for the development of commercial uses providing goods and services to Lodi residents and Lodi's market share."
- B. Land Use and Growth Management Element, Goal E, Policy 7, "In approving new commercial projects, the City shall seek to ensure that such projects reflect the City's concern for achieving and maintaining high quality."
- C. Land Use and Growth Management Element, Goal E, Policy 3, "The City shall encourage new large-scale commercial centers to be located along major arterials and at the intersections of major arterials and freeways."

**WHEREAS**, the design and improvement of the site is consistent with all applicable standards adopted by the City. Specifically, the project has met the requirements of the Lodi Zoning Ordinance with particular emphasis on the standards for large retail establishments; and

**WHEREAS**, approval of the requested architectural drawings will allow the construction of a commercial building that will comply with the City's Zoning Ordinance and Building Code regulations; and

**WHEREAS**, the design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards; and

**WHEREAS**, the Community Development Department prepared an Environmental Impact Report (EIR), consistent with the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Final EIR, including comments and responses to comments, was certified by the City Council on August 30, 2006; and

**WHEREAS**, an Addendum to the certified and Final EIR, including comments and responses to comments, was certified by the City Council on September 17, 2008; and

**WHEREAS**, all legal prerequisites to the approval of this request have occurred.

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The approval of the project to construct a new 148,234 square foot COSTCO Wholesale warehouse and associated 16-pump gasoline station was considered as part of a previously approved EIR, whereby it was determined that there would not be significant impacts on the environment, cumulative or otherwise, provided mitigation measures were implemented. Those mitigation measures, which consists of intersection upgrades, will be implemented prior to a Certificate of Occupancy.
2. No new impacts were identified in the public testimony that were not addressed as normal conditions of project approval in the Initial Study.
3. The development takes into consideration physical and environmental constraints in that the new warehouse and gasoline station have been designed to take advantage of the existing grades and be integrated with the planned overpass improvements.
4. The development complies with the intent of the City development policies and regulations in that the General Plan, Goal E, Policy 3, which encourages increasing the tax base, creating employment opportunities for residents and attracting new businesses. The proposed Costco warehouse and associated gasoline station will not only add to the city's tax base but will also provide employment opportunities for residents.
5. The proposed development will be operated in a manner determined to acceptable and compatible with surrounding development in that conditions have been added that require the operator to maintain the property.
6. The sale of alcoholic beverages for off-premise consumption as part of a COSTCO Wholesale warehouse is a permitted use in the Planned Development 39 zoning District.
7. The sale of alcoholic beverages for off-premise consumption is a normal part of COSTCO Wholesale business operations and provides a convenience for customers of the business.
8. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained on-site security to monitor customer behavior both in and outside of the COSTCO Wholesale; and working with the Lodi Police Dept. to resolve any problems that may arise.
9. The sale of alcohol beverages at COSTCO Wholesale warehouse is compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
10. The sale of alcoholic beverages at this location can meet the intent of the Planned Development 39 zoning district and can provide a public convenience or necessity for customers of the business.
11. No variance from the Lodi Municipal Code is approved by this action.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that Use Permit Application No. 09-U-15 and SPARC Application No. 09-SP-06 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The developer will defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this approval, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure areas as permitted by fire codes. No material shall be stacked higher than the height of any trash enclosure screen wall and gate.
3. No outdoor storage or display of merchandise shall be permitted at the project unless a specific plan for such display is approved by SPARC (approved plan attached). At no time shall outdoor storage or display be allowed within the parking area, drive aisle or required sidewalks of the center.
4. All storage of cardboard bales and pallets shall be contained within the area designated for such use. No storage of cardboard or pallets shall be visible from public right the way.
5. The project proponent shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding residents and commercial uses would not be bothered and that loitering is not permitted.
6. A minimum of two trash receptacles shall be placed at the customer entry to the Costco warehouse. Trash receptacles shall be a decorative, pre-cast concrete or metal type with a self-closing metal lid. Design of the receptacles shall be submitted with the building permit application for tenant improvements for approval by the Community Development Director.
7. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205 and shall be covered.
8. The owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.
9. Vending machines, video games, amusement games, children's rides, recycling machines, vendor carts or similar items shall be prohibited in the outside area of all storefronts. The storefront placement of drinking fountains and ATM machines shall be permitted subject to the review and approval of the Community Development Director.
10. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. The final plans shall include the architectural features such as the approved colors, the building elevations including the cornice, trim caps, and curbed canopy, and other elements approved by the Planning Commission. Any significant alteration to the building elevations as approved by the Planning Commission shall require approval by the Planning Commission.
11. The finished building shall be consistent with the plans approved by the Planning Commission and as conditioned herein.
12. All buildings shall comply with the requirements of Planned Development 39 zoning district and meet setback requirements. All buildings shall implement building elements and materials illustrated on the submitted elevation or otherwise consistent with the architectural theme presented on the submitted elevation of the major tenant building.
13. A final color palette shall be submitted with the building permit application and shall be in substantial conformance with colors and materials approved by the Lodi Planning Commission

for the balance of the Reynolds Ranch development and shall be reviewed and approved by the Community Development Director.

14. The proposed building must comply with all Planning Commission requirements; as well as the requirements of the Community Development, the Public Works, the Electric Utility and the Fire Departments; and all other utility agencies.
15. The location and details of the cart corrals within the parking lot shall be submitted with the building permit application for review and approval by the Community Development Director. Cart corrals shall be provided in the parking lot adjacent to COSTCO Wholesale building and distributed evenly throughout the lot rather than concentrated along the main drive aisle. In addition, physical measures to prevent the removal of carts from the property shall be provided. Such measures shall be submitted with the building permit application. Further, cart corrals shall be permanent with a design that is consistent with the theme of the COSTCO Wholesale building. Portable metal corrals shall be prohibited.
16. All signage shall be in compliance with a detailed Sign Program that shall be submitted to the Development Community Director for review and approval with the first building plan review. Said program shall require all signs to be individual channel letter at the standards provided by the zoning ordinance.
17. Any bollards installed in a storefront location shall be decorative in style and consistent with the theme of the shopping center. Plain concrete bollards, or concrete filled steel pipe bollards shall not be permitted.
18. Hardscape items, including tables, benches/seats, trashcans, bike racks, drinking fountains, etc. shall be uniform for all stores throughout the shopping center
19. All roof mechanical equipment and any satellite dish equipment shall be fully screened from ground-level view within 150 feet of the property.
20. The loading area shown in front of the plans shall be stripped and posted with "NO PARKING – LOADING ONLY" signs to the satisfaction of the Community Development Director.
21. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director prior to the issuance of any building permit. Said plans and specification shall address the following:
  - a) All project lighting shall be confined to the premises. No spillover beyond the property line is permitted.
  - b) The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.
  - c) All parking light fixtures shall be a maximum of twenty-five 25 feet in height.
  - d) All fixtures shall be consistent throughout the center.
22. Exterior lighting fixtures on the face of the buildings shall be consistent with the theme of the center. No wallpacks or other floodlights shall be permitted. All building mounted lighting shall have a 90-degree horizontal flat cut-off lens unless the fixture is for decorative purposes.
23. All exterior construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. No exterior construction activity is permitted on Sundays or legal holidays.
24. A reciprocal agreement for ingress, egress, and parking shall be executed between all parties within the proposed shopping center and that document shall be provided to the City prior to the issuance of a Certificate of Occupancy.

25. Sidewalks and parking lots must be kept free of litter and debris to minimize the amount of wind-blown debris into surrounding properties. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City wastewater treatment plant.
26. The applicant shall install a decorative concrete block wall, a minimum of six feet in height and a maximum of eight feet in height at the top of slope for the length of the northern and eastern boundary line at the time of ultimate Harney Lane improvements. Said decorative wall shall be provided with creping vine or similar landscape treatment in order to discourage graffiti and other types of vandalism. In the interim, the landscape plan for the project shall concentrate screening material along the northern property frontage adjacent to Harney Lane.
27. The applicant shall submit a landscaping and irrigation plan to the Community Development Department for review and approval. Landscaping materials indicated on the conceptual landscape and irrigation plan may be changed per the review of the Community Development Director or designee but shall not be reduced in amount.
28. The applicant shall select and note on all plans common tree species for the parking lot and perimeter areas from the list of large trees as identified in the Local Government Commission's "Tree Guidelines for the San Joaquin Valley".
29. Project must receive and comply with all terms of the Cal Trans encroachment Permit necessary. Any conditions imposed by Cal Trans for the encroachment permit that result in site plan modifications shall be reviewed by City staff for consistency with Project approvals.
30. All landscaped area shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. Unhealthy, dead, or damaged plant materials shall be removed and replaced promptly.
31. No seasonal, temporary or permanent outdoor storage or display of merchandise shall be permitted.
32. COSTCO Wholesale shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 21. The Type 21 License shall be limited to the sale of beer, wine, and liquor (distilled spirits) for consumption off the license premises where sold during the hours that the business is open.
33. COSTCO Wholesale shall insure that the sale of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
34. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
35. The Use Permit shall require COSTCO Wholesale to secure an Alcoholic Beverage Control License Type 21 Off-Sale General – Package Store.

36. This Use Permit is subject to periodic review to monitor potential problems associated to the sale of alcoholic beverages.
37. Prior to the issuance of a Type 21 license by the State of California Alcoholic Beverage Control Department, the management of the COSTCO Wholesale store shall complete the Licensee Education on Alcohol and Drugs (LEAD) as provided by the State Alcoholic Beverage Control Department. In the event that COSTCO has training that is equivalent to the LEAD program, such documentation shall be submitted to the Community Development Director for review and approval.
38. No person who is in a state of intoxication shall be permitted within the business nor shall an intoxicated patron be sold additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in state of intoxication is allowed into the building.
39. The operator of the business shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
40. The project shall incorporate all mitigation measures as specified in the adopted Final Environmental Impact Report for Reynolds Ranch Project (State Clearinghouse Number 2006012113)
41. The operation of the business shall comply with all applicable requirements of the Municipal Code.
42. Prior to any ground disturbance, the applicant shall notify the San Joaquin County Council of Governments (SJCOG, Inc), and shall schedule a pre-ground disturbance survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (ITMMS). The City shall not authorize any form of site disturbance until it receives an Agreement to Implement ITMMS from SJCOG, Inc.
43. The City shall not issue a building permit for the proposed project until the San Joaquin County Council of Governments determine what, if any, Incidental Take Minimization Measures (ITMMS) apply to the project and until the San Joaquin County Council of Governments verifies all applicable ITMMs have been fully and faithfully implemented.
44. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.
45. This resolution does not constitute a complete plan check. Complete plan check shall be completed during building permit process.

Community Development Department, Building:

46. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2007 California Building code.
47. Cooking equipment that generate grease laden vapors, including but not limited to ranges, griddles, fryers, ovens and pizza ovens shall be required to be equipped with a Type I hood. Equipment that generates heat, steam or odors only shall be required to be equipped with a Type II hood. 2007 CMC, Chapter 5.
48. Each structure including, underground fuel tank, canopy, signage, and main building are required to be submitted under separate permits. 2007 CBC, Appendix Chapter 1 Administration, Section 105.1

49. The canopy and supports over the fuel pumps shall be of non-combustible, fire resistive treated wood, 1 hour rated construction or Type IV construction. 2007 CBC, Section 406.5.2
50. 2007 CBC, Section 406.5.1 requires that motor fuel dispensing facilities meet the construction requirements of the California Fire Code. The facility shall meet the requirements of Chapter 22 of the CFC and the requirements of the Fire Chief.
51. 2007 CBC, Section 413.1 requires that high pile or rack storage meet the requirements of the California Fire Code. Sprinkler system, fire detection system, building access, smoke and heat venting and draft curtains shall be provided as required by 2007 CFC, Chapter 23 and Table 2306.2 and all requirements of the Fire Chief.
52. Storage racks over 6' high shall be submitted under separate permit and cover. Structural calculations required for racks over 8' high. Policy and Procedure No.: B-[08]-[09].
53. Walkways and sidewalks along accessible routes of travel shall be in compliance with the 2007 CBC, Section 1133B.8.5.
54. Number of Accessible parking spaces shall be provided as specified in 2007 CBC, Table 11B-6.
55. All entrances and ground floor exits must be provided with an accessible path of travel to the public way. 2007 CBC, Section 1133B.1.1.1.1

Public Works Department:

56. Provide specifications and calculations for the Kristar Stormwater System. The Stormwater Development Standards Plan Worksheet must be provided before the issuance of the Building Permit.
57. Outdoor loading/unloading dock areas must conform to City of Lodi's Stormwater Development Standards Plan section 3.1.5.
58. The trash enclosure shall conform to the Stormwater Design Standards section 3.1.4. The trash enclosure should be wide enough to provide separate containers for recyclable materials and other solid waste.
59. Reduce the number of connections into the City water main to one connection, conforming to Standard Plan 407 for the fire/domestic/irrigation service.
60. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
61. Payment of the following prior to building permit issuance unless noted otherwise:
  - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
  - b) Habitat Conservation Fee.
  - c) Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
62. Payment of the following prior to temporary occupancy or occupancy of the building unless noted otherwise:
  - b) Development Impact Mitigation Fees
  - c) Wastewater Capacity Impact Mitigation Fee.
  - d) County Facilities Fees.
  - e) Regional Transportation Impact Fee (RTIF).
  - f) Water Treatment Facility Impact Mitigation Fee.

Electric Utility Department:

63. The project proponent shall prepare and submit legal description for easements for review and approval. Said legal description shall be submitted to the Lodi Electric Department, Electric Engineering Section.
64. Harney Lane street widening plans shall be submitted to the Electric Utility Department.
65. The applicant shall submit load calculations and Electric drawings to Electric Utility as part of a building permit process. Load calculations and Electric drawings are needed for service equipment location, PUE requirements, and service sizing. Should the load calculations and Electric drawings require a change of site plan, the Planning Department shall forward the site plan to the Planning Commission for review and approval.
66. The Developer shall pay for Electric Utility Department charges in accordance with the Electric Department's Rules and Regulations.

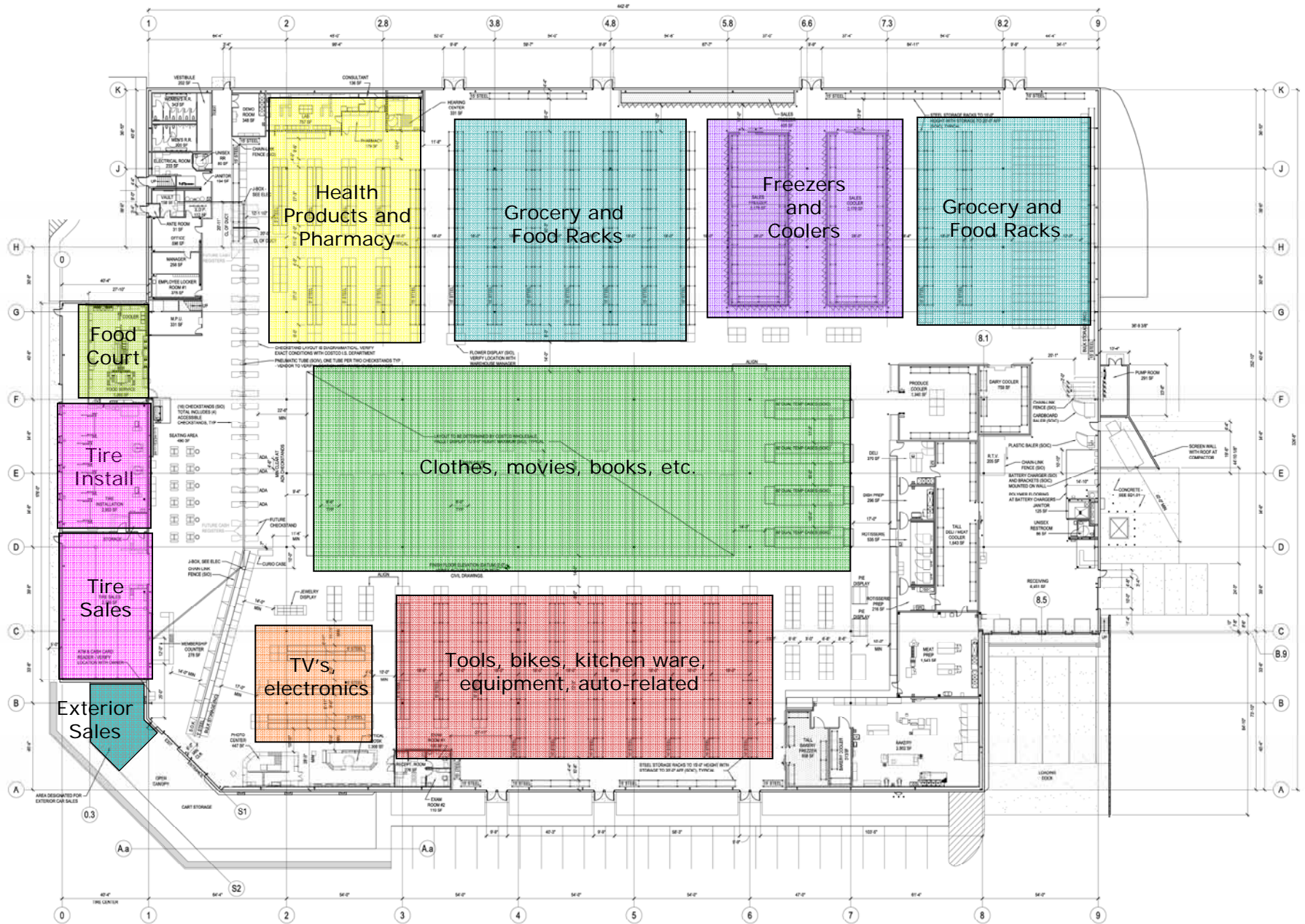
Dated: February 10, 2010

I certify that Resolution No. 10-06 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 10, 2010 by the following vote:

AYES: Commissioners: Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins  
NOES: Commissioners: None  
ABSENT: Commissioners: Mattheis

ATTEST:

  
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Secretary, Planning Commission



# Floor Plan

- New Building Area = 148,234 SF



**LODI  
PLANNING COMMISSION  
Staff Report**

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**MEETING DATE:** February 10, 2010

**APPLICATION NO:** Use Permit 09-U-15  
Site Plan and Architectural Review 09-SP-06

**REQUEST:** Request for Planning Commission approval of a Use Permit to allow the sale of alcoholic beverages and approve the SPARC application concerning the COSTCO Wholesale building. (Applicant: David Babcock, on behalf of COSTCO Wholesale. File Number: 09-U-15 and 09-SP-15).

**LOCATION:** 322 East Harney Lane. Approximately 15 acres located at the southwest corner of Harney Lane and State HWY 99.

**APPLICANT:** David Babcock, 3581 Mount Diablo Blvd., Suite 235, Lafayette, CA, CA 94549

**PROPERTY OWNER:** San Joaquin Valley Land Company LLC, 1420 S. Mills Ave., Suite K, Lodi, CA 95242

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Use Permit and SPARC requests subject to the conditions listed in the attached draft resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** NCC- Neighborhood Community Commercial.

**Zoning Designation:** Planned Development (39).

**Property Size:** Approximately 15 acres

Adjacent General Plan, Zoning and Land Use:

	General Plan	Zone	Land Use
<b>North</b>	LDR, Low density residential; MDR, Medium density residential	Planned Development (39)	Residences
<b>South</b>	NCC, community commercial and O –Office	Planned Development (39)	Vacant parcels and Blue Shield office.
<b>East</b>	GA, General Agriculture (San Joaquin County)	AG-40, Agricultural Uses (San Joaquin County)	State Highway 99, and east of that Agricultural, residential and cemetery uses.
<b>West</b>	NCC, community commercial and O –Office	Planned Development (39)	Agricultural Uses and east of that are residential uses within the Reynolds Ranch annexation.

**BACKGROUND:**

The Reynolds Ranch project was annexed in to the City of Lodi in 2006 as a mixed-use development. As part of the annexation process, an environmental impact report was prepared and certified, new General Plan and zoning designations were approved and a Development Agreement was signed. The development includes retail and residential uses, public park, fire station, self-storage facility, and the Blue Shield office complex, a major component of the development. Subsequently, portions of the project site have been developed, including the 20.5 acre Blue Shield office complex as well as some of the street and infrastructure improvements. Surrounding uses to this component consist of residential uses to the north, office uses to the south, commercial zoned vacant land to the west, and State Hwy. 99 as well as a single family dwelling to the east.

In the summer of 2008, the developer submitted applications for a General Plan Amendment that would increase the size of the commercial acreage from 40.5 acres to 75.6 acres, reduce the residential acreage from 96.6 acres to 78 acres, eliminate the school site, amend the environmental impact report (EIR), amend the Land Use map for Planned Development (39) to reflect the general plan changes requested, and approve a Vesting Tentative Map. The applicant's request was first considered by the Planning Commission at its hearing of August 27, 2008 and continued to September 10, 2008. At that hearing, the Planning Commission approved the Vesting Tentative Map and recommended the City Council amend the General Plan for the Reynolds Ranch development. The City Council, acting upon the Planning Commission's recommendation for approval, amended the General Plan at their meeting of September 17, 2008.

**ANALYSIS**Use Permit:

COSTCO Wholesale is seeking approval of a Use Permit that would allow a Type 21 Off-Sale General ABC license. Type 21 ABC license authorizes the sale of beer, wine, and distilled spirits for consumption off the license premises where sold. Typically, grocery stores, gas stations and neighborhood stores have Type 21 ABC licenses. The Planning Commission has previously found that the sale of alcoholic beverages is incidental to a grocery store operation and that is what is being requested.

The project area belongs to Census Tract 41.02. Census Tract 41.02 covers the area Curry Avenue, east of Lower Sacramento Road, South of Harney Lane and north of Hogan Lane (approximately .16 miles north of Hogan Lane). According to ABC, Census Tract 41.02 contains 3 existing off-sale licenses with 5 licenses allowed based on the ABC criteria. Because this census tract is not over-concentrated, the Planning Commission does not need to make a finding of public necessity and/or convenience in order to approve the Use Permit.

Site Plan and Architecture Review:

The petitioner requests approval of site plan and architecture of the proposed COSTCO Wholesale warehouse and the surrounding site improvements. The project site consists of the Costco Wholesale building as well as associated gas pumps and parking areas on an approximately 15.35 acre lot located at 322 East Harney Lane. The applicant has submitted preliminary elevations, landscape plans, conceptual signage for the development and location of a gas station. As illustrated on the plans, COSTCO Wholesale warehouse would measure 148,234 square feet and includes a gas station with six one-way lanes for fuel dispensing (16-pump stations). The COSTCO building would be located on the northeast portion of the project site, and the building entrance would face southwest toward the main interior parking lot and Reynolds Ranch Parkway. The architectural theme of the building is a contemporary style and uses construction materials commonly used in commercial shopping center developments such as concrete masonry block and metal panels. The body of the building includes split face concrete masonry block, architectural box-

ribbed and textured metal wall panels with accent awnings in warm earth tone colors. The store would have one customer entrance located at the southwest corner. Lighting fixtures are distributed approximately every 40 feet around the exterior of the building. The proposed COSTCO Wholesale warehouse is subject to the requirements of the City's Section 17.58 of the Municipal Code Design Standards for Large Retail Establishments.

The intent of the building design is to emulate similar materials, colors, and textures of Costco warehouse and gasoline stations located elsewhere. The body of the building is broken up by an offset parapet, articulated entry vestibule, and accent wall materials and colors. These architectural articulations are applied throughout the building. The northern elevation, which is adjacent to Harney Lane and residential property across the street, receives identical architectural treatment as the rest of the building. Due to the uncertainty of the timeframe for final development of a shopping center, Staff has analyzed the proposal to determine if the project can function as a stand alone development while at the same time, be incorporated into the final shopping center site design and layout. Although no application has been made for the rest of the shopping center, staff expects the rest of the shopping center to establish visually harmonious architectural theme and identity as required by the City's large scale retail ordinance which mandates the architecture and signs of a shopping center work together to establish a coherent visual identity.

As mentioned previously, the COSTCO Wholesale warehouse includes an associated gas station. The gas station includes a 2,816 square foot canopy and will be located in the southeast corner of the site along the main Reynolds Ranch Development drive and adjacent to Highway 99. A 75 square foot controller enclosure will be on the north side of the fuel station. It will be built with steel walls and finished with paint to match the warehouse building colors. There will be four covered fueling bays, each with two gas pumps which could fuel two cars each. The gas station will thus have fueling capacity for 16 cars at a time. The fueling station will also have eight stacking lanes which will allow 40 cars to wait for pumps at any given time in addition to the 16 at the fueling pumps. The gas station is automated and self-serving facility requiring a membership card. The gas station hours are identical to the warehouse hours of operation, which is Monday through Friday from 10:00 am to 8:30 pm, Saturday from 9:30 am to 6:00 pm, and Sunday from 10:00 am to 6:00 pm. Since the gas station functions as a complimentary use to the retail, there are a large proportion of shared trips between the two, which indicates that there is a minimal amount of additional trips generated by the gas station. While staff is generally supportive of the proposed architectural articulations, there are few site plan modifications that are being recommended.

#### Traffic Circulation/Parking

The site plan indicates two access points along the frontage on Harney Lane. The main access to the proposed shopping center is provided from Harney Lane via Reynolds Ranch Parkway. The main entrance to the project parking lot is from the proposed signaled drive which intersects Reynolds Ranch Parkway. A secondary access point is provided from Harney Lane, which is restricted to right in/right out movement. Traffic access to the shopping center is also provided from the south, though this has limited access at the moment. The project necessitates off-site improvements such installation of sidewalks, curbs and gutter along Harney Lane. Improvements to Harney Lane are proposed to occur in two phases. The initial phase will widen the street from roughly Stockton Street to the entry into the shopping center east of Reynolds Ranch Parkway. Transitional improvements will occur from that drive to the Hwy. 99 overpass. These improvements will need to be implemented prior to issuance of Certificate of Occupancy. The ultimate improvements will include a new overpass and ramps. There will be a grade difference between the existing condition and the northeast corner of the shopping center of approximately 15 feet.

Onsite parking is provided on the south and west of the COSTCO building in order to reduce the visual impact of one large paved surface. The Costco development, including the proposed gas station, requires a total 742 parking spaces (General Retail 5/1000), 755 spaces are being provided (5.09/1000), which includes fifteen ADA compliant parking stalls are also provided. The City's large box ordinance states that maximum number of off-street parking spaces cannot exceed five spaces for every one thousand square feet of building space. In this case, the applicants have provided thirteen (13) more spaces than the maximum allowable parking spaces. As shown on the site plan, there are a total of nine cart corrals distributed throughout the parking lot. Staff recommends the applicants provide at least one cart corral per driving isle in order to reduce the total number of parking spaces to conform to applicable City rules and to provide safe and pleasant shopping experience to their customers. In addition, the proposed cart corrals should be permanent with a design that is consistent with the theme of the COSTCO Wholesale building and the balance of the center.

#### Landscape/Signage

Projects of this size are required to provide one tree for every 500 square feet of open space and one shade tree for each 4 parking spaces. The applicant has submitted a generic landscape plan, which calls for various large shade trees, smaller trees, shrubs and ground covers distributed throughout the parking lot and on the north and east edges of the project site. Given the size of the building, the project proponent is required to provide 193 larger shade (parking lots trees) distributed within the parking lot interior and additional one tree for every 500 open space. According to the applicant project description, a substantial amount of the proposed plant material for the new site is drought tolerant and will use less water than other common species. The proposed irrigation system will use deep root watering bubblers for parking lot shade trees to minimize usage and ensure that water goes directly to the intended planting areas.

The approval of project signage is not a part of the current review and would be subject to City of Lodi codes and requirements to ensure they complement the building architecture and landscaping of the building. Signage applications and approvals would be completed separately. However, the applicant have illustrated the location and design of the signs they intend to use. The wall signs consist of the trademark red and blue raised reverse pan metal letters. It is unclear at the moment if the project will include free standing signs.

The proposed development is consistent with the City's General Plan and is an attractive addition to the City in that the proposed Costco warehouse and gasoline station will provide much needed services to the City of Lodi and enhance the City's economic viability and increase the tax base. The proposed Costco warehouse and associated gasoline station will not only add to the city's tax base but will also provide employment opportunities for residents. The COSTCO building is in full conformance with the City's Section 17.58 of the Municipal Code Design Standards for Large Retail Establishments. These standards were adopted in 2004 specifically to deal with the design of large scale retail establishments like COSTCO. The applicant has met or exceeded each of these standards as presented and conditioned. Therefore, staff is recommending that the Planning Commission approve this request.

As mentioned previously, the Costco building has frontage along Harney Lane, but ultimately this frontage will be separated by as much as 15 feet. The interim and ultimate conditions will be quite different. We believe the City code requires that a decorative masonry wall be constructed at the top of slope along this frontage. However, this will have to be done with the ultimate improvements as the grade difference will not exist until this project is complete. A condition of approval has been included in the Resolution to accommodate this situation.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on January 27, 2010. 52 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project. No protest letter has been received.

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve with additional/different conditions
- Deny the Use Permit/SPARC
- Continue the requests

Respectfully Submitted,

Concur,

Immanuel Bereket  
Assistant Planner

Konradt Bartlam  
Community Development Director

**ATTACHMENTS:**

- A. Vicinity Map
- B. Site Plan
- C. Resolution



VICINITY MAP

N.T.S.

# COSTCO WHOLESALE

HARNEY LANE AND HIGHWAY 99  
LODI, CALIFORNIA

## SPARC & CUP APPLICATION



REGIONAL MAP

N.T.S.



### SHEET INDEX

- 1 TITLE SHEET
- 2 SITE UTILIZATION MAP
- 3 CONCEPT SITE PLAN
- 3.2 TRUCK SWEEP PATHS
- 4 CONCEPT FLOOR PLAN
- 5 CONCEPT ELEVATIONS
- 6 CONCEPT LANDSCAPE PLAN



HARNEY LN. & HWY. 99  
LODI, CA

DAVID BABCOCK  
& ASSOCIATES

2001 SUT DUMBLE RD., SUITE 201  
LAPAYETTE, CALIFORNIA 95243  
TEL: (925) 941-1000 FAX: (925) 941-4022  
www.dbabcock.com

0008.P.119  
FEBRUARY 5, 2010  
TITLE SHEET





1

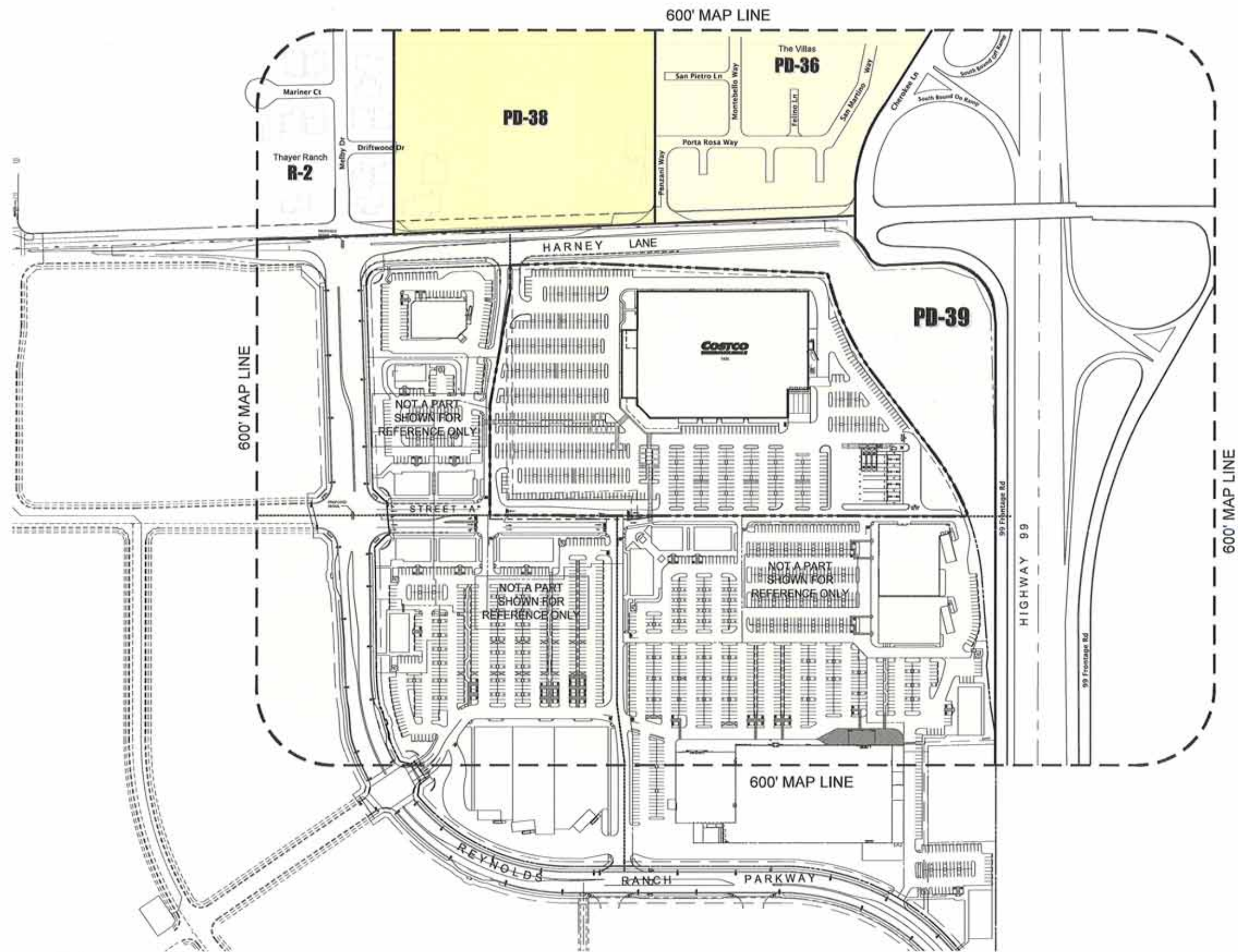
TITLE SHEET



LODI, CALIFORNIA

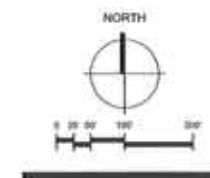
ZONING LEGEND

-  R-2 SINGLE FAMILY RESIDENTIAL
- PD, PLANNED DEVELOPMENT
  -  PD-36
  -  PD-38
  -  PD-39



LODI, CALIFORNIA

SITE UTILIZATION MAP



HARNEY LN. & HWY. 99  
LODI, CA

DAVID BABCOCK  
& ASSOCIATES

PROJECT: SHARLO BLVD, HWY 205  
LA JOLLA, CALIFORNIA 92037  
TEL: (760) 451-1000 FAX: (760) 451-1001  
www.dababcock.com

0008.P.119  
FEBRUARY 5, 2010  
SITE UTILIZATION  
MAP

PROJECT DATA

CLIENT: COSTCO WHOLESALE  
999 LAKE DRIVE  
ISSAQUAH, WA 98027

PROJECT ADDRESS: HARNEY LANE AND HWY 99  
LODI, CALIFORNIA

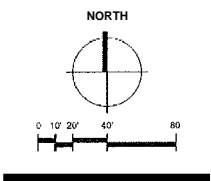
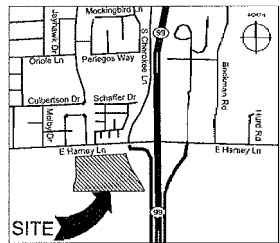
PROPOSED  
COSTCO PARCEL: 15.05 ACRES (655,761.87 S.F.)

JURISDICTION: CITY OF LODI

BOUNDARIES  
INFORMATION: THIS PLAN HAS BEEN PREPARED  
BY USING DIGITAL DATA PROVIDED  
BY RSC ENGINEERING.

BUILDING DATA	
TOTAL BUILDING AREA	148,234 S.F.
PARKING DATA	
PARKING PROVIDED	
# 10' WIDE STALLS	740 STALLS
#/HC HANDICAP STALLS	15 STALLS
TOTAL PARKING	(5.09/1000) 755 STALLS
CITY PARKING REQUIRED (5.011000 MAX) 742 STALLS	

VICINITY MAP

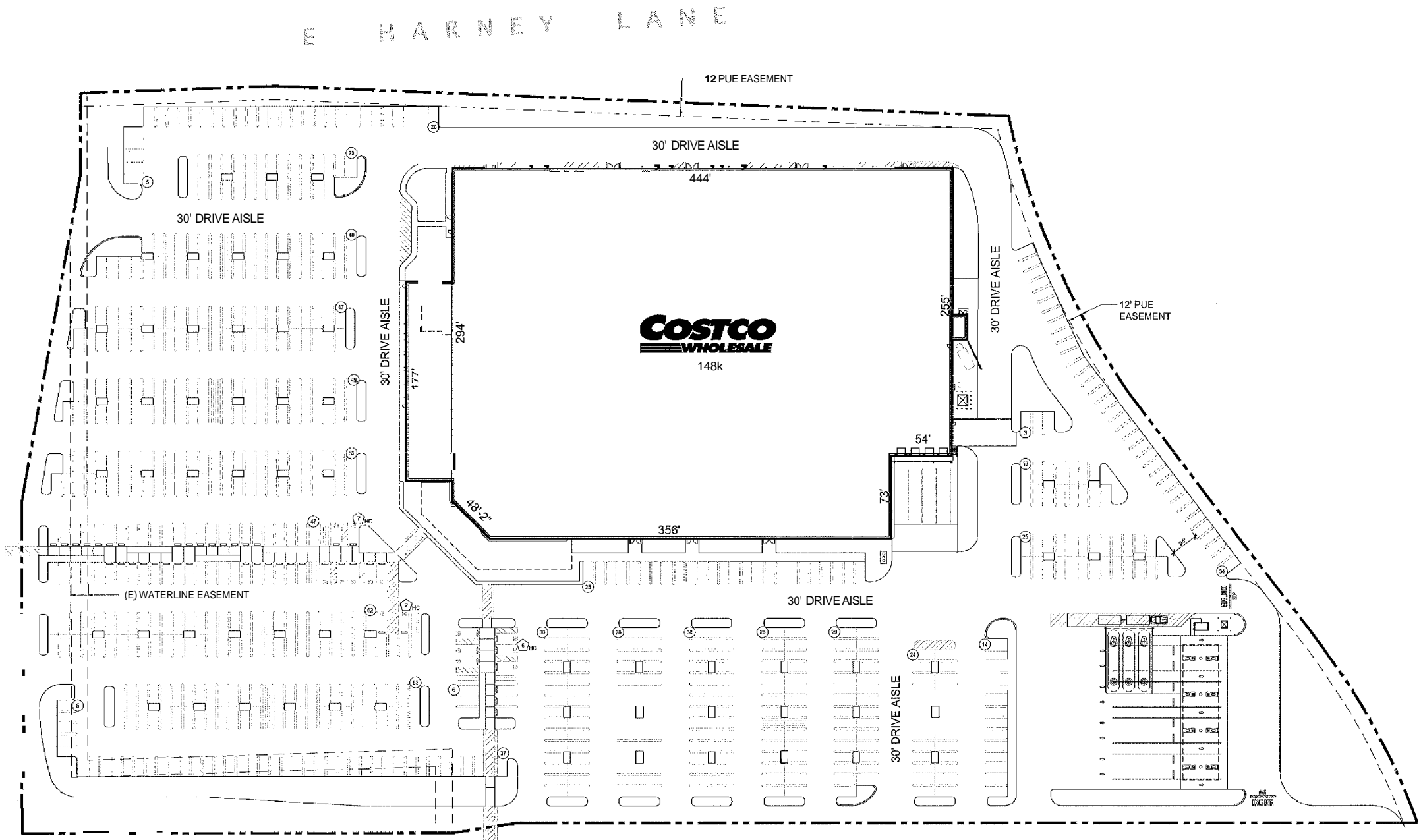


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LODI, CA

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& ASSOCIATES

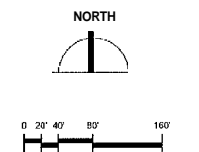
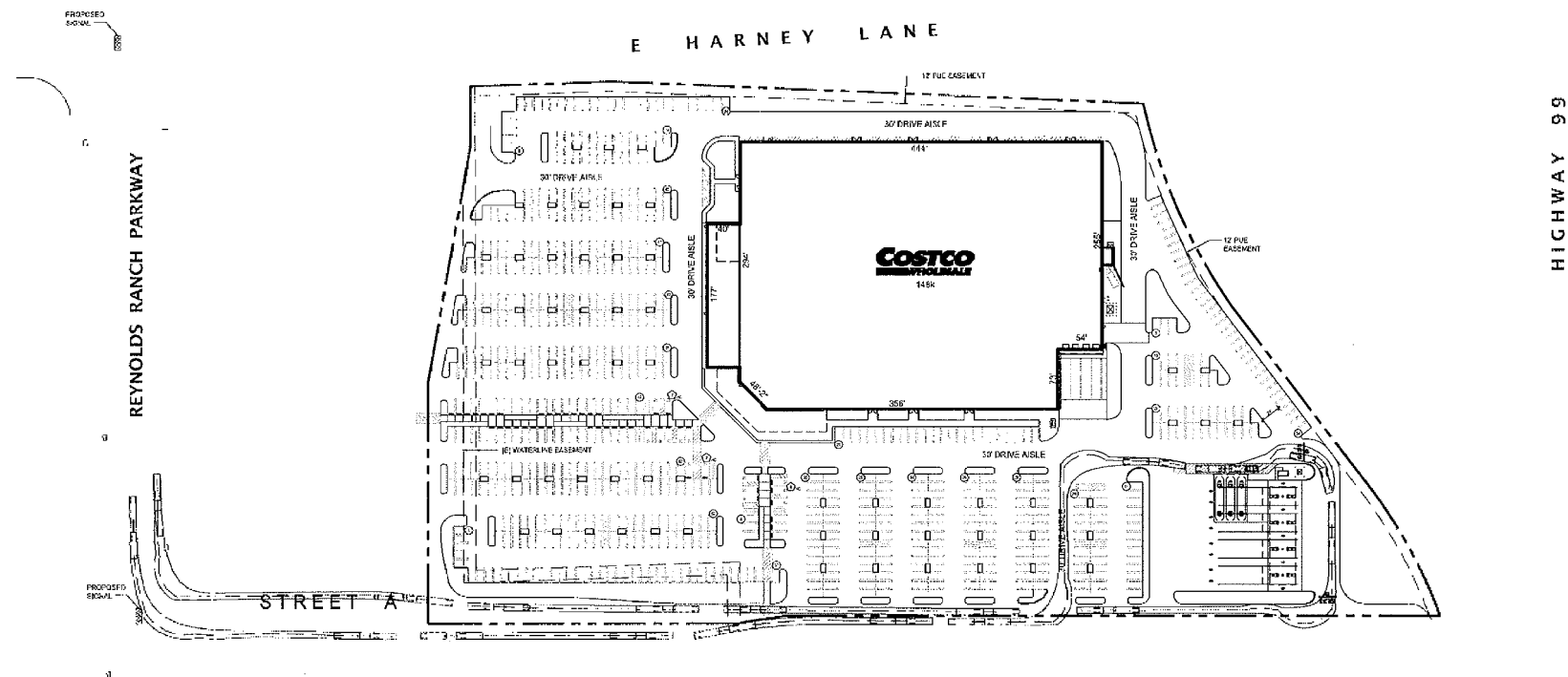
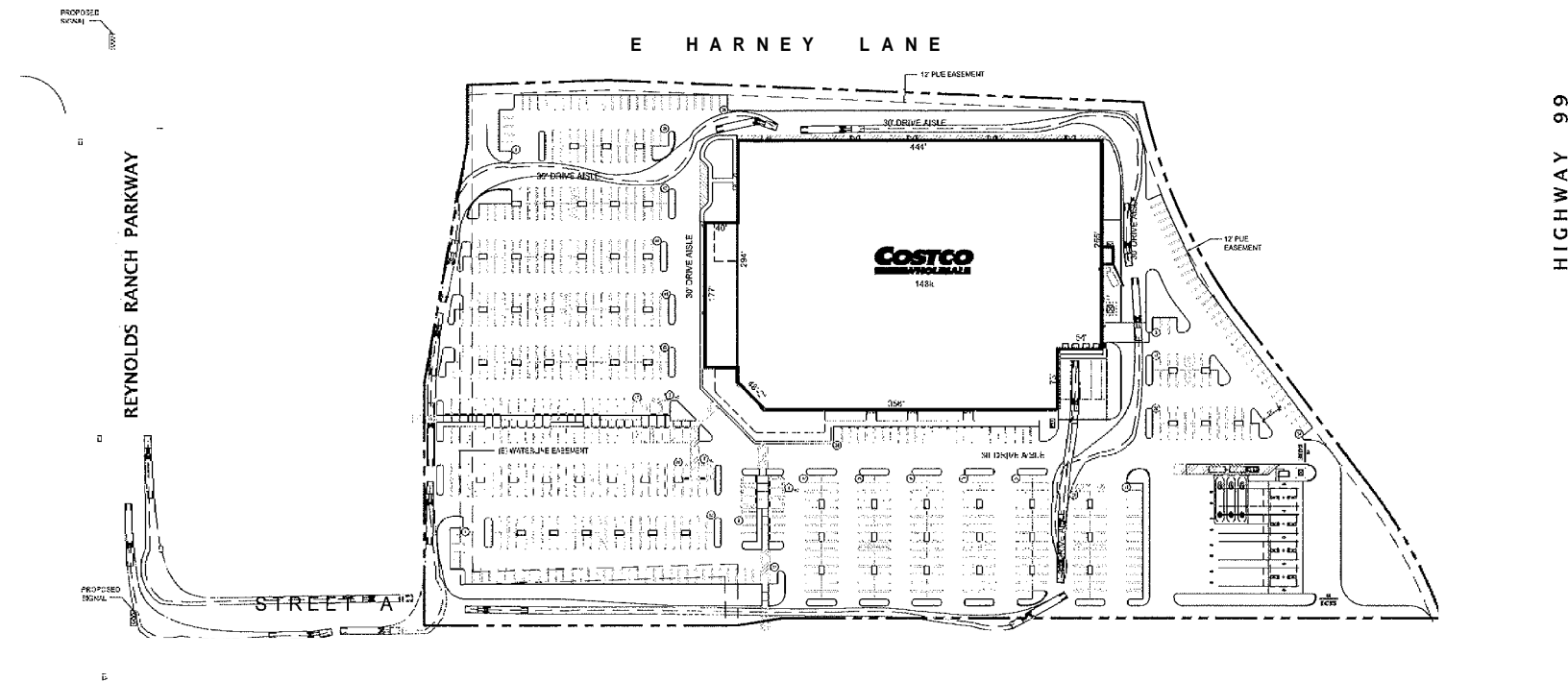
450 N. MARKET STREET, SUITE 205  
LAFAYETTE, CALIFORNIA 94509  
TEL: (925) 284-9070 FAX: (925) 284-1823  
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0008.P.119  
FEBRUARY 5, 2010  
CONCEPT  
SITE PLAN 1.30



LODI, CALIFORNIA

CONCEPT SITE PLAN - 148K



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LODI, CA

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[www.dlabuck.com](http://www.dlabuck.com)

0008.P.119  
FEBRUARY 5, 2010  
TRUCK  
SWEEP PATHS

## 3.2

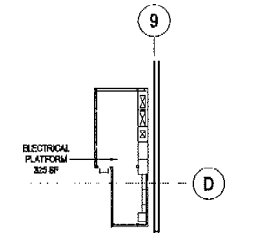


LODI, CALIFORNIA

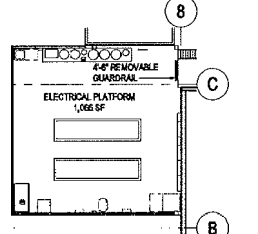
## TRUCK SWEEP PATHS

BUILDING DATA:	
BUILDING AREA	139,806 S.F.
TIRE CENTER	5,692 S.F.
FOOD SERVICE	1,260 S.F.
EMPLOYEE LOCKER RM.#2	1,475 S.F.
<hr/>	
TOTAL BUILDING	148,234 S.F.
PUMP ROOM	261 S.F.

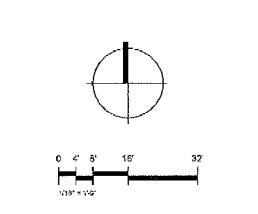
<b><u>RACK COUNT</u></b>	
GROCERY RACKS (15 ft.)	184
CENTER SECTION	17,143 S.F.
HARDLINE RACKS (15 ft.)	136
<b>NOTES:</b>	



SCALE 1/16" = 1'-0"



SCALE 1/18 = 1'-0"



LODI, CA

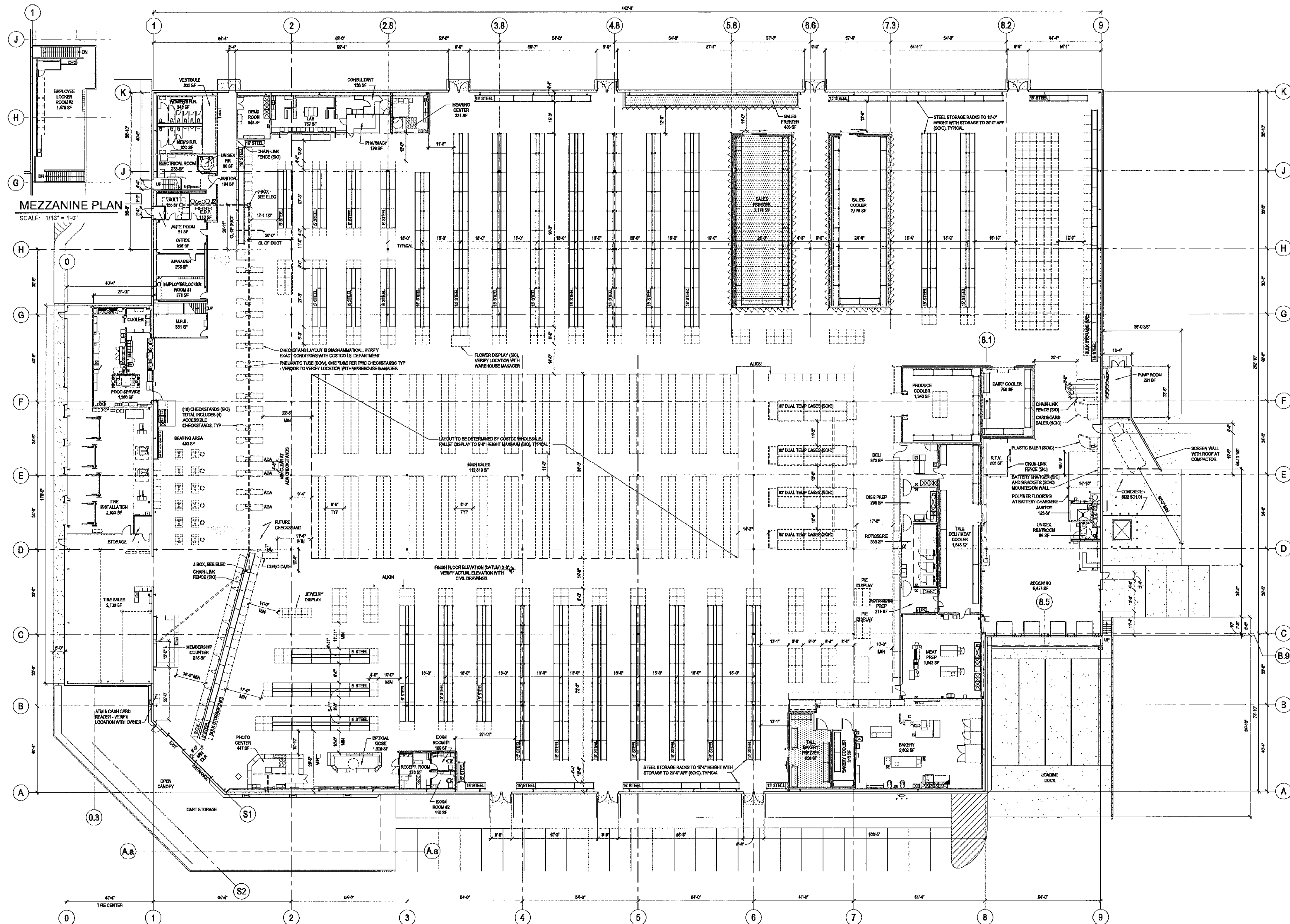
HARNEY LN. & HWY 99  
LODI, CA

MULVANNY G2

1110 112TH AVE. NE | SUITE 500  
 BELLEVUE, WA | 98004  
 t 425.463.2000 | f 425.463.2002

Mulvey 1977: 63

07-0449-01  
FEBRUARY 5, 2010  
CONCEPT  
FLOOR PLAN



## LODI, CALIFORNIA

## FEBRUARY 5, 2010



1 SOUTH ELEVATION  
SCALE: 1/16" = 1'-0"



2 WEST ELEVATION  
SCALE: 1/16" = 1'-0"



3 ENTRY ELEVATION  
SCALE: 1/16" = 1'-0"

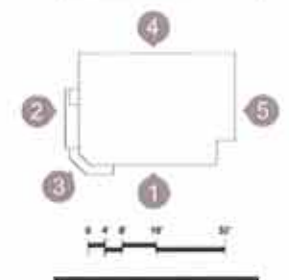


4 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"



5 EAST ELEVATION  
SCALE: 1/16" = 1'-0"

KEY PLAN



**COSTCO**  
WHOLESALE  
LODI, CA

**MULVANNY G2**

1110 112TH AVE. NE | SUITE 500  
BELLEVUE, WA | 98004  
1-425-453-2000 | 1-425-453-2002

[www.mulvannyg2.com](http://www.mulvannyg2.com)

07-0449-01  
FEBRUARY 5 2010  
CONCEPT  
ELEVATIONS



### TREE LEGEND

SYMBOL	BOTANICAL / COMMON NAME
	Koelerutaria bipinnata / Chinese Flame Tree
	Lagerstroemia hyb. 'Dynamite' / Dynamite Crape Myrtle
	Lagerstroemia hyb. 'Tuscarora' / Tuscarora Crape Myrtle
	Prunella chinensis / Chinese Platanus
	Quercus ilex / Holly Oak
	Sequoia sempervirens 'Aptos Blue' / Aptos Blue Coast Redwood
	Ulmus parvifolia 'True Green' / True Green Chinese Elm
	Zelkova serrata 'Village Green' / Village Green Japanese Zelkova

### IRRIGATION SYSTEM STATEMENT

THE IRRIGATION SYSTEM WILL BE A WATER EFFICIENT LOW FLOW, LOW GALLONAGE SYSTEM DESIGNED TO PROVIDE ADEQUATE SUPPORT OF PLANT GROWTH AND INSURE DEEPLY ROOTED PLANT MATERIAL WHILE AVOIDING EXCESS WATER APPLICATION. THE SYSTEM WILL BE PROGRAMMABLE, ALLOWING OPERATION DURING EARLY MORNING HOURS, WHICH WILL CONSERVE WATER (LESS WIND EVAPORATION). IRRIGATION MATERIALS SPECIFIED FOR THE SITE WILL BE SELECTED ON THE BASIS OF DURABILITY AND EASE OF MAINTENANCE.

### SHRUB LEGEND

MIX OF SHRUBS AND GROUND COVERS SHALL BE PROVIDED INCLUDING THE FOLLOWING POTENTIAL PLANT OPTIONS BELOW.

### SHRUBS AND PERENNIALS

BOTANICAL / COMMON NAME	SIZE
Berberis thunbergii 'Rose Glow' / Dwarf Red Japanese Barberry	5 gal.
Chondropetalum leucum / Cape Rush	1 gal.
Coloneaster dumosus 'Lowland' / Lowland Cotoneaster	1 gal.
Dianella caerulea 'Little Becca' / Little Becca Dianella	1 gal.
Dianella revoluta 'Big Rev' / Big Rev Dianella	1 gal.
Dianella revoluta 'Little Rev' / Little Rev Dianella	1 gal.
Dianella tasmanica / Tassied Dianella	1 gal.
Dielsia vegeta / Fortnight Lily	5 gal.
Dielsia vegeta 'Variegata' / Variegated Fortnight Lily	5 gal.
Hemerocallis hyb. 'Baby' / Yellow Daylily (Evergreen)	1 gal.
Levandula stoechas 'Otto Quast' / Otto Quast Lavender	1 gal.
Lomandra longifolia 'Breeze' / Breeze Mat Rush	1 gal.
Phormium tenax 'Bronze Baby' / Bronze Baby Flax	15 gal.
Phormium hyb. 'Yellow Wave' / Yellow Wave Flax	15 gal.
Plumbago auriculata 'Royal Cape' / Royal Cape Plumbago	1 gal.
Rhamnus californica 'Mound San Bruno' / Mound San Bruno Coffeeberry	5 gal.
Rosa 'Red Drift' / Red Drift Rose	5 gal.
Salvia leucantha 'Midnight' / Midnight Mexican Bush Sage	1 gal.

### GROUND COVER

Rosemary 'Lodwood de Forest' / Lodwood de Forest Rosemary	1 gal.
Roemeria officinalis 'Collingwood Ingram' / Collingwood Ingram Rosemary	1 gal.

### ORNAMENTAL GRASS

Festuca mairei / Atlas Fescue	1 gal.
Pennisetum orientale / Oriental Fountain Grass	1 gal.



HARNEY LN. & HWY. 99  
LODI, CA

DAVID BABCOCK  
& ASSOCIATES

REGISTERED - PLANNING - LANDSCAPE  
101 N. DEAN BLVD., SUITE 200  
LAFAYETTE, CALIFORNIA 94501  
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www.dbabcock.com

0008.P.119  
FEBRUARY 5, 2010

CONCEPT  
LANDSCAPE  
PLAN

6



LODI, CALIFORNIA

# CONCEPT LANDSCAPE PLAN

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 10, 2010**

***DRAFT***

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 10, 2010, was called to order by Chair Cummins at 7:00 p.m.

Present: Planning Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins

Absent: Planning Commissioners – Mattheis

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Assistant Planner Immanuel Bereket, Public Works Director Wally Sandelin and Administrative Secretary Kari Chadwick

2. MINUTES

“January 27, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the Minutes of January 27, 2010 as written. (Commissioner Olson and Chair Cummins abstained because they were not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request to certify the proposed Mitigated Negative Declaration 08-ND-03 as adequate environmental documentation for the proposed project; request for a Tentative Parcel Map to divide one parcel in to two lots and approve the site plan and architecture of the proposed development including affordable housing development standard concessions at 2245 Tienda Drive. (Applicant: Eden Housing. File Number 09-MND-03, 09-P-01 and 09-SP-04)

Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. There is one concession that is being asked for and that is for the number of parking spaces. There currently is not a separate parking requirement for senior housing. The closest requirement is for multi-family housing which is two spaces per unit. The applicant is asking for three-quarters of a space per unit. Staff has reviewed this and compared it to comparable projects and believes it is a reasonable standard for the project proposed. Staff is recommending approval of the project as presented.

Commissioner Heinitz stated his concerns regarding the lack of parking and the nature of Tienda Drive as a thoroughfare to the Target Shopping Center. There is also the school directly across the street. Tienda Drive is somewhat of an upscale neighborhood entering into Sunwest. He also added that if he were to bring a project before staff for an apartment building two covered parking spaces would be required per unit. The parking that is being recommended isn't even covered. The units on Wimbledon which closely resembles this project seems to have more parking spaces and with all the empty hard spaces that are on the plan he feels that there could be more parking provided. Director Bartlam stated that there are examples in town, like the Arbor project and the Vintage, that supply less than two parking spaces per unit and they are straight senior projects with no income restriction. The project located in Manteca which Mr. Bartlam visited a couple of times has the same situation as this project and has less than one space per unit and not all of the spaces are being utilized. The average age of the tenants is close to 80 and the income is in the very low range. Heinitz stated that there are transportation and other amenities that are being supplied to those other projects that are not being offered with this project.

Commissioner Olson stated her concerns regarding the parking also and would like to know which demographic sector is being targeted. Mr. Bartlam stated that the demographics here will be the same as the demographics in Manteca, income earnings will be \$10,000-\$15,000 per year in most cases. Rents will be gauged to be no more than thirty percent of their income. The target group that is in need and the one that staff and Eden Housing feels will be reached is the single female in their seventies. Olson asked what kind of stock Lodi currently has. Bartlam stated that there are only a couple of projects just for seniors, the Arbors and the LOEL Center has sixteen units mostly within walking distance of the center. The downtown hotel is also an example that would be at the same income level and it has no parking. Olson asked if overflow parking would be on the street. Mr. Bartlam stated that it would, but overflow parking is not anticipated.

#### Hearing Opened to the Public

- Faye Blackman, Eden Housing representative, came forward to answer questions. Ms. Blackman gave a brief presentation of the company's assets and introduced the rest of the team that accompanied her here tonight. The target tenant is the single female in her seventies.
- Chair Cummins asked if the target age is over 70 years of age. Ms. Blackman stated that that is correct.
- Commissioner Heinitz asked about the other developments managed by Eden and what types of amenities are offered in and around the property. Ms Blackman stated that other projects are in and around public transport. Eden also creates relationships with local senior centers and has reached out to the LOEL Center and the Senior Center located at Hutchins Street Square and is looking forward to working with them. Heinitz asked about transportation for grocery shopping, doctor's appointments, etc. Ms Blackman stated that there is a bus stop about a quarter mile away that services four lines and for the seniors that don't use the bus , or the City's Dial-a-Ride system Eden feels there will be other support groups to assist them.
- Vice Chair Hennecke asked if there will be more demand for the 55 to 70 in the near future. Ms Blackman stated that she does not foresee any demand issues in this category. Hennecke asked if any one bedroom units have couples living in them. Ms Blackman stated that there are few couples living in the one bedroom units. Eden allows up to three people living in the one bedroom units, a couple with their care provider, but this is not very common. Hennecke asked if in the case where there are two or more people living in the residence does only one of them have to be 55 or older. Ms Blackman stated that only one needs to be 55 years of age.
- Commissioner Kiser stated his concerns with the lack of parking, his concern over a senior having to walk a quarter mile to catch a bus, and his concern over three people sharing a one bedroom apartment. Ms Blackman stated that three people in a one bedroom apartment is very rare and isn't expected, but is allowed. Kiser asked if there will be a bus service to take the residents to the LOEL Center for dinner since this project does not provide dinners. Ms Blackman stated that Eden is working with the LOEL Center to provide this type of service. Kiser stated that he will have a problem approving the project if those amenities are not in place.
- Commissioner Olson stated that she is hearing a great deal of support by City staff and is confident that staff will make sure that the transportation is provided. Olson pointed out the potential PV System and asked why it is just a potential system. Ms. Blackman stated that the PV system is very expensive and Eden is trying to identify a funding source. Mr. Bartlam stated that Staff has been working with the Electric Utilities Department to help find a funding source.
- Commissioner Heinitz stated his concern with three people living in a one bedroom unit and whether or not that is legal under the Uniform Housing Codes, and if there are three people one would probably be a support staff that will have need of a vehicle. Peter Waller, architect for the project, came forward to address the concerns with the lack of parking

spaces. There is a strong push for an open space concept with this project and adding additional parking contradicts that goal. One of the reasons is for on site storm water management. This allows for less impact on the City wide storm drainage system. If this was a regular multi-family complex then two parking spaces per unit would be provided, but it isn't and Eden is just asking for the project to be pictured as what it is. Mr. Waller explained some of the items that will be used to make this project as green as possible. Heinitz stated that he is in total support of this project, but has an issue with the lack of parking because of the overflow being on Tienda Drive. Mr. Waller stated that there has not with all of the other projects done by Eden been parking issue. It would not be beneficial for Eden to not supply enough parking for their tenants, or supply too much parking.

- Commissioner Kiser stated that in addition to concerns with parking there is a concern with the PV System being shown that may not happen and the roofing material that is being used is not going to fit in with the surrounding area. Kiser is concerned that what is being shown to the Commission isn't going to happen. Mr. Waller stated that the roofing shingles will be a thirty or forty year shingle. Kiser stated that what is shown is not a thirty or forty year composition shingle and the PV System that is shown may not be used. Mr. Waller stated that the solar is being shown because the intention is to put them on the buildings and there may have been objections if they were not shown and added later and the roofing shingles will be a thirty or forty year asphalt shingle. Kiser would like to be shown what is going to be done not what could be.
- Commissioner Hennecke asked about the spaces next to the office being designated as visitor parking. Mr. Waller stated that they will be designated for visitors.
- Commissioner Heinitz stated his concern for the quality of the project being presented for this area and the emphasis that is being placed on expense. Mr. Waller asked if there is a specific answer that would be more satisfactory that would be satisfactory for the roof. Heinitz stated that he doesn't want a verbal promise, he wants it in writing.
- Director Bartlam stated that this is the site plan and architectural review and if the Commission wishes to require architectural changes to the project then they have discretion to do so. Mr. Bartlam pointed out that the Wine and Roses project used an asphalt shingle. This is a two phase project, so maybe the Commission could place conditions for one parking space per unit on the first phase and at the appropriate time Eden can bring back the second phase for any alterations, but conditioning it this way could cost valuable living units. If there are specific conditions the Commission wants to place on the type of roofing shingles or the PV System used, then that is your prerogative and now is the time to do it.
- Commissioner Olson stated that she is very excited about the project and that she feels the Commission's questions are valid. She also stated that the City could have made this go a little easier by showing that there would be support services going to this location, and then .75 parking spaces would be great. Mr. Bartlam stated that the City has a very accomplished Dial-A-Ride program. Staff is bringing forward a recommendation for what is believed to be a project that is in the best interest of the community based on staff's experience. Olson stated that she is all for giving the builder the benefit of the doubt, but believes that there are other support issues beyond the building that will make this a successful project. She is inclined to work with Eden through the first phase rather than not have the senior housing that is so desperately needed.
- Commissioner Kiser stated his agreement with Commissioner Olson, but would like to see a condition requiring an architectural roofing shingle.
- Katie Lamont, representative for Eden Housing, came forward to address concerns. The seniors that come to live at an Eden project stay with Eden until they can no longer live on their own. The facilities are staffed with a coordinator that is there to make sure that the amenities that are needed get supplied. This project when put to an internal test for green point scale rating rated a 127, so the commitment to green building is a very high priority. Solar isn't the first item that is looked at for a project because there are so many other items that are higher on the green scale. The parking has been determined by past experiences with all the projects that Eden has done, and would not be brought to the Commission for

approval with inadequate parking as suggested. After having many discussions with Tracy Williams with the LOEL Center there is transportation services to and from the project site to the center through the public bus transportation system and Dial-A-Ride. The LOEL Center has five vans at their disposal that Eden is in discussions with Ms. Williams for the use of one of them to help with the transportation of Eden's residents to and from the Center and home. There will also be other support areas such as family and friends that will provide transportation.

- Commissioner Kirsten asked if there is a demand for senior housing in Lodi. Ms. Lamont stated that the City sending out a RFP (Request For Proposals) for the project indicates the need. Ms Blackman stated that there is a waiting list with 150 people on it for the current senior housing units in Lodi. Kirsten stated that the market drives this type of project. Ms Blackman agreed. Kirsten stated his understanding of the cost factor for the affordability and wanted to know if the concerns that are being expressed could drive up the cost or are the items doable from an affordability aspect. Ms Blackman stated that there is a point that will put the project out of the affordability range. Eden is an owner/builder/manager company and the projects are built to a lasting standard. Kirsten stated that he is concerned about the lack of parking also, but will defer that to Eden at this time. He would not like to see the project loose units at the cost of parking. Kirsten asked about other projects having PV systems and the return they have had. Ms Blackman stated that there is one project that is currently having a PV system installed.
- Keith Land, former board member for the LOEL Center, came forward to support the project. The LOEL Center has 16 units and only 7 parking spaces are utilized because of the cost of maintaining the vehicles. The Center offers congregational meals and currently serves 53 meals per day. Through the CDBG program offered by the City of Lodi the Center has received enough money to remodel the kitchen and with the remodel the meal capacity will be 500 meals per day. The goal of the LOEL Center is to start providing Meals-On-Wheels to seniors all around the City. Mr. Land stated that he sat on the board that chose Eden Housing for this project and stated that in his opinion Eden is the cream of the crop. Mr. Land has been to the Manteca project site five times and there is always parking even during the grand opening.
- Commissioner Hennecke asked how the seniors get around town. Mr. Land stated that there is a combination of ways, family, bus, and Dial-A-Ride that get the seniors around to their various appointments.

#### Public Portion of Hearing Closed

- Commissioner Hennecke asked if there is a way to incorporate a bus stop in front of this project. Director Sandelin stated that a bus route does not currently go down Tienda Drive. A route study would have to be done to determine the need, but based on the clientele being served here Mr. Sandelin feels they would much rather use Dial-A-Ride.
- Chair Cummins stated that Commissioner Mattheis and he were a part of the group that picked Eden for this project and feels that this is a benefit to the City. He does not feel that this project should be held to the same standards as a single family custom built home like the ones you will find in the adjacent development. Cummins shared that his mother lives in a similar type development in Michigan and it is very nice.
- Commissioner Heinritz stated that his main concern is the lack of parking. If the Commission were to leave the condition at .75 spaces per unit for phase one would phase two come back, so that it can be determined if that was adequate. Mr. Bartlam stated that he recommends changing the condition to reflect the one space per unit for the first phase then let Eden come back to request less if they find that one space is more than enough. Worst case scenario Eden loses a few units in the back on phase two.
- Commissioner Kirsten stated that there is an urgent need for this type of housing in our area and is comfortable with the parking assessments provided by Eden and would hesitate to increase the parking at this time. Kirsten would like the Commission to not condition the project out of the affordability range or to take away any of the green space.

- Commissioner Olson stated her agreement with Commissioner Kirsten and would support the project with the current parking so as to not loose any units and with an added condition for the architectural roofing shingles if that is something the other Commissioners felt strongly about.
- Commissioner Heinitz agreed with his fellow Commissioners other than erring on the side of caution for the first phase and requiring one parking space per unit and then going with the .5 spaces per unit on the second phase which would then equal out to be .75.
- Commissioner Hennecke stated his agreement with Commissioner Kiser regarding the architectural roof shingles and as far as the parking he is comfortable with the plan as proposed. He then asked if staff new what the utilization of the bus transit and Dial-A-Ride system is for the other senior housing projects. Mr. Bartlam and Sandelin stated that they did not have those numbers directly in front of them, but could get them and bring them back.
- Commissioner Kiser stated appreciation to his fellow Commissioners in their support for the architectural roofing shingles. He would also like to err on the side of caution for the parking spaces and require one per unit now and let Eden come back and ask to alter it for phase two.
- Director Bartlam stated the possible added language for the altered condition #5:
  - At a minimum a thirty year architectural grade shingle will be used.
- Commissioner Kirsten added to condition #4; that there be a 1 to 1 ratio for parking for phase one.

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Kiser second, approved the request of the Planning Commission to certify the proposed Mitigated Negative Declaration 08-ND-03 as adequate environmental documentation for the proposed project at 2245 Tienda Drive subject to the conditions in the Resolution. and;

Approved the request of the Planning Commission for a Tentative Parcel Map to divide one parcel in to two lots and approve the site plan and architecture of the proposed development including affordable housing development standard concessions at 2245 Tienda Drive subject to the conditions in the Resolution with the added verbiage as stated above. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins  
 Noes: Commissioners – None  
 Absent: Commissioners – Mattheis

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request for a Use Permit to allow the sale of alcoholic beverages and approve the SPARC application concerning the COSTCO Wholesale building. (Applicant: David Babcock, on behalf of COSTCO Wholesale. File Number: 09-U-15 and 09-SP-15)

Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Mr. Bartlam provided a look at what is proposed for the balance of the center that was submitted after the packet delivery.

Commissioner Kiser asked what the time line is for the reconstruction build out for Harney Lane. Director Sandelin stated that the widening of Harney Lane west of Stockton Street running easterly to a point east of the second Costco driveway should be completed prior to the store opening. There are some additional interchange improvements that will be complete prior to the store opening. Kiser asked when the store is projected to be open. Mr. Bartlam stated no later than late summer. Kiser asked if the Haney Lane improvements would be complete in time. Mr. Sandelin stated they would.

Commissioner Heinitz asked about the Highway interchange improvements making the traffic more difficult. Director Sandelin stated that one of the original mitigation measures was to make improvements to the two wrap intersections, one on the east side of the interchange and the other

on the west side. Staff is working with CalTrans and has received a verbal commitment from them to have those improvements done by late summer.

Director Bartlam pointed out that there have been a few changes made to the Resolution which are shown on the Resolution provided on the Blue Sheets.

#### Hearing Opened to the Public

- David Babcock, Real-estate Development Director for Costco, came forward to answer questions. Mr. Babcock provided some background information on the Costco Company and the positive effects that the company has on the communities that they reside.
- Commissioner Kirsten asked if having the Costco visible from the freeway will help attract traffic that wouldn't normally stop in Lodi into the shopping center helping to create sale tax dollars for Lodi. Mr. Babcock stated that if you are a Costco member you are able to stop at any center to do your shopping and when you purchase something the zip code related to that card is recorded and there are many occasions that an out of the area member is found shopping at other out of their area warehouses. Kirsten stated that he and his family shop at the Costco in Stockton as do other families from Lodi, so this should help to bring those tax dollars back to our town.
- Commissioner Heinritz asked if the numbers of how many shoppers from the 95240 area shop at the Stockton store. Mr. Babcock stated that he does not have access to those numbers.
- Commissioner Hennecke asked if this store is likely to bring in customers from outside the immediate area. Mr. Babcock stated that it is projected to serve not only Lodi, but the surrounding area.
- Chair Cummins asked how many new stores that are being built or in the planning stages of being built in California. Mr. Babcock stated that this is the only store currently being built in northern California.
- Commissioner Olson stated her concerns over the amount of asphalt and would like to here more about the areas that are being addressed in regards to sustainability. Mr. Babcock stated that the lighting inside the store is being supplemented with skylights and the heating and cooling are regulated very closely with very sophisticated controls. Landscaping is a major part of the project that will help to deflect heat from the outside to inside. This all lends a hand in reducing the energy consumption of the building.
- Commissioner Hennecke asked if there will be any additional items such as solar panels being used on the project. Mr. Babcock stated that with the amount of skylights that are proposed with this project it would be unbeneficial to cover them up with solar panels.
- Melissa and Charles Katzakian, owners of the Morse-Skinner Ranch, came forward to object to the project. The project is relying on the 2006 project description and EIR. The developer has failed to comply with mitigations which require protection of the historical property, Morse/Skinner Ranch, via conversion to commercial use. Condition number five of the resolution has not been met because of the residential use of our property being surrounded by the commercial development with this project and future projects to the site. As part of the City's Resolution 2006-162 which approved the original project states that the project would adaptively reuse the Morse-Skinner Ranch and water tower, but to date this has not happened. There has not been an EIR analysis to consider the incompatibility of the continued residential land use of our property. Mrs. Katzakian does not believe that this project can be approved until a supplemental EIR has been done to take in to account the residential use of the property.
- Kathy Curley, property owner on Harney Lane directly north of the project, came forward to request clarification on the timeline of the project being finished and the improvements made to Harney Lane. Mr. Bartlam stated that the questions will be addressed once the public hearing is closed to the public.

Public Portion of Hearing Closed

- Director Sandlin stated that there are two different improvement projects that are scheduled to occur prior to the opening of the first use at the Reynolds Ranch Project. The four lane widening generally between Stockton Street and just east of the driveway entering the project site. The second improvement project which is being processed now as an encroachment permit through CalTrans will add turn lane improvements on both ends of the interchange and will also add signalized intersection improvements at the intersections of the existing ramps.

Hearing Re-opened to the Public

- David Babcock came forward to question a few of the conditions in the Resolution.
  - #3 – Costco would like to have an outdoor display area.
  - #15 – While accommodating this condition a few parking spaces may need to be sacrificed. This may limit any expansion requests in the future which would require more parking spaces to be sacrificed. Chair Cummins stated that Costco currently has thirteen more spaces than required. Mr. Babcock stated that that is correct.
  - #21c – The parking lot light fixture height is set at 25 feet; Costco would like to put theirs up at 35 feet.
  - #53 and 55 – These two items talk about specific ADA requirements and the concern is that they may be too specific in their verbiage. ADA requirements are legal requirements that Costco will follow to the legal letter.
- Chair Cummins asked about the parking lot fixtures being increased to a height of 35 feet. Bartlam stated that the 25 foot height is typical of what has been required in the Lodi area. When you get to the 35 foot level there is more light spilling over into the outlining areas.
- Chair Cummins asked for clarification on what the request is on outside storage. Babcock stated that he would like to be able to take care of the occasional outside displays on an administrative level. Cummins asked if the concern on condition number 53 and 55 was with the specific language not the requirements to ADA. Mr. Babcock stated that that is correct.
- Commissioner Kiser stated the understanding for wanting the 35 foot high light fixtures but is concerned with the light spilling over into the residential windows at night. Mr. Babcock stated that every precaution would be taken to ensure that light would not be spilling over into the surrounding residential areas. Kiser asked if staff prefers the 25 foot standard. Bartlam stated that the recommendation is at the 25 foot level because staff feels that is adequate.
- Commissioner Heinitz asked about the clarification on the outside storage based on past experiences. Mr. Babcock stated that the outside storage would be on a temporary part-time basis. Heinitz asked if the verbiage regarding the outside storage being on a temporary part-time basis. Mr. Bartlam stated that the condition does not state that there can not be any outdoor storage just that the area for storage needs to be approved by SPARC.
- Commissioner Olson asked if the rest of the center is desirous of having the lighting standards at the 35 foot level. Mr. Babcock stated that yes they are. Mr. Bartlam stated that staff has not had a chance to take a good look at the plans for the rest of the shopping center, but staff will want the lighting to be consistent throughout the center.
- Commissioner Hennecke asked if the outdoor display would be similar to the one at the Stockton store near the tire shop. Mr. Babcock stated that it would. Hennecke asked if there were any special conditions placed on the Lowes outdoor storage. Bartlam stated that Lowes currently has an outdoor storage plan that has been approved by the City.

Public Portion of Hearing Closed

- Director Bartlam stated that there is enough flexibility in condition number 15 to allow for outdoor storage with the plan submitted by Costco. The concerns regarding condition 53 and 55 comes down to the fact that the ADA requirements will have to be met and approved by the Building Division. Condition number 53 can be shortened if it is the desire of the Commission to read:
  - ~~Walkways and sidewalks along accessible routes of travel shall be in compliance (1) continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 1/4" per foot side slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2007 CBC, Section 1133B.5. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with the 2007 CBC, Section 1133B.8.5.~~
- Chair Cummins asked for clarification on the language allowing the outdoor storage. Mr. Bartlam stated that the floor plan slide from the PowerPoint which shows the outdoor storage could be added to the resolution as an attachment constituting the approval of the outdoor storage if that is the Commissions desire.
- Commissioner Kiser stated his concerns with the request in increasing the height of the light standards. The Blue Shield project has the light standards at 25 foot.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the request of the Planning Commission for a Use Permit to allow the sale of alcoholic beverages and approved the SPARC application concerning the COSTCO Wholesale building located at the SW corner of Harney Lane and Hwy 99 subject to the conditions in the Blue Sheet Resolution with the changes discussed above. The motion carried by the following vote:

Ayes: Commissioners – Heinitz, Hennecke, Kirsten, Kiser, Olson, and Chair Cummins  
 Noes: Commissioners – None  
 Absent: Commissioners – Mattheis

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam referenced the memo in the packet and stated that staff is available for questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

*Continued*

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:37 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary

# BRANDT-HAWLEY LAW GROUP

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Legal Assistant  
Jeanie Stapleton

February 23, 2010

Mayor Phil Katzakian and  
Members of the City Council  
c/o Randi Johl, City Clerk  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95240  
[Cityclerk@lodi.gov](mailto:Cityclerk@lodi.gov)

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Subject: Appeal of Planning Commission Action  
File No. 09-U-15 and 09-SP-15  
Use Permit and SPARC for COSTCO

Dear Honorable Mayor Katzakian and Councilmembers:

On behalf of Charles and Melissa Katzakian, owners of the Historic Morse Skinner Ranch House on the Reynolds Ranch site, and Lodi Tomorrow, I appeal the referenced actions of the Planning Commission taken on February 10, 2010. This is filed within the 10 business day period required by the Municipal Code.

The original Reynolds Ranch approvals were based on a project description that stated in relevant part that "the proposed project would adaptively reuse the Morse Skinner Ranch House and water tower, a significant historic resource listed on the National Register of Historic Places and eligible for listing on the California Register of Historical Resources." The EIR analysis and project approvals always anticipated that the historic site would be adaptively reused in a manner compatible with the big box retail planned for the commercial site, such as a restaurant, following federal standards for rehabilitation and reuse.

Thus, the land use incompatibilities of continued residential use on the Reynolds Ranch site were not anticipated and have never been studied as required by the California Environmental Quality Act.

COSTCO APPEAL

February 23, 2010

Page 2

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The bases for this appeal include, among other things, that the COSTCO approvals, including the use permit and SPARC review, require analysis in a supplemental EIR because there are unstudied land use and historic resource incompatibilities with continuing residential use of the Morse Skinner Ranch House. The developers' change of the project to continue residential use rather than to adaptively reuse the Morse Skinner Ranch House has not been approved or subjected to environmental review. The owners of the historic property have requested relocation in light of the imminent development of the large-scale retail. Unless and until that occurs in a manner consistent with the approved project description, the land use incompatibilities require the City to conduct supplemental CEQA review prior to consideration of approval of the COSTCO permits or other retail approvals. Further, the Planning Commission's findings, including that the proposed development will be "acceptable and compatible with surrounding development," are not supported by substantial evidence.

We will provide further evidence and testimony at the appeal hearing.

Thank you.

Sincerely,



Susan Brandt-Hawley

cc: City Attorney Steve Schwabauer  
Steve Herum